

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY PAT SOUTER,

Plaintiff,

Case No. 1:02cv67

v.

Hon. Gordon J. Quist

KURT JONES, et al.,

Defendants.

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**ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on September 20, 2005. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed September 20, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that the petition for a Writ of Habeas Corpus is **GRANTED**, the conviction and sentence is **VACATED**, and the petitioner is released unconditionally.

/s/Gordon J. Quist
Hon. Gordon J. Quist
U.S. District Judge

Dated: October 11, 2005